

EXHIBIT 2

**For Federal criminal/civil case filing
-- PETITIONER'S BRIEF / MEMORANDUM IN
OPPOSITION TO "MOTION TO DISMISS
MOTION TO VACATE, SET ASIDE, OR
CORRECT SENTENCE" (Document #141) --
OPPOSING BRIEF IN OPPOSITION TO THE
GOVERNMENT'S/MOVANT'S MOTION UNDER
DOCUMENT #141 --**

**Brian David Hill (Petitioner) v. United States of
America (Respondent)**

Criminal Case Number 1:13-cr-435-1

Civil Case Number 1:17-CV-1036



**USWGO Alternative News (USWGO.COM, DEFUNCT)
WE ARE CHANGE (WEARECHANGE.ORG)
INFOWARS.COM (THERE IS A WAR ON FOR YOUR MIND)
Oath Keepers (oathkeepers.org)**

(Notarized) Declaration of witnesses Roberta Ruth Hill, Stella Burnette Forinash & Kenneth R. Forinash in support of "BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY"", for withdrawing guilty plea, or any other purpose

I, Roberta Ruth Hill, Stella Burnette Forinash & Kenneth R. Forinash declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

To Whom This May Concern:

ADDITION TO BRIAN DAVID HILL'S 2255

Brian's family (his mom, Roberta Hill; grandmother, Stella Forinash and grandfather, Kenneth Forinash step forward to help Brian with his 2255. We were not aware of any time limits until 2017 when it was time for Brian to present his 2255 of actual innocence to the court. Brian very clearly told the court that he is innocent. His family & friends did too, but the court with the help of ineffective attorneys ignored all. Brian has given this court all of the proof of his innocence that he was framed for a crime he did not commit in 2012, and he has been denied his constitutional rights in this court: Middle District of NC. If all he has presented to the court has not been investigated, then there should be an investigation right away. Brian had intended doing a 2255 and even let the court know this in 2015 (not one person informed him that there was a time limit) knowing what his intentions were. For someone who is innocent and disabled, has been framed with a computer crime who is living off of one single SSI disability check can't afford to hire an attorney, Brian has been fighting to get his discovery since his release to use as proof for his 2255. He had not been given the opportunity to read his discovery until 2 months after he was released from jail. He and his family read the discovery together and realized the proof of his innocence was in the discovery. Brian then filed an appeal and was appointed another attorney who told him and his mom that he would try to help Brian get some of his things back from Mayodan as the judge had ordered Mayodan to give him back the items that weren't contaminated with child porn (CP), but that Brian had

waited too long to do the appeal. The local Mayodan, NC police hacked into Brian's computer on Aug. 22, 2012; got a search warrant on Aug. 28, 2012 – spent hours searching all through Brian's house with the Mayodan police chief trying to get Brian to confess to downloading child porn on the front porch in front of us, Brian's family. Hinting that if he doesn't confess, there were only 2 people who live here, and if it wasn't Brian, it would be his mother. The same 2 detectives questioned Brian at lunch time the next day and got a "FALSE" confession. They knew Brian wasn't guilty because if he was, they should have arrested him right then. Instead Brian was allowed to come to Virginia, allowed to move to Virginia, go on many trips with his family including 2 cruises to other countries, hired an attorney to get the computers & other items that the Mayodan police removed from his home for \$75.00 in November, 2013 (15 months after the police raid), then after hiring this attorney, there was a secret indictment and a warrant out for Brian's arrest. Brian was removed as a patient in the hospital in Virginia by the department of homeland security almost 16 months after his false confession, put in jail in North Carolina and not given any insulin at all his first few days in jail.

Brian started his appeal in January, 2015 after we read his discovery. In addition to Brian dealing with his disabilities: Type I insulin dependent brittle diabetes, seizures, autism. OCD and anxiety, Brian and his friends were receiving threats for him to stop the appeal and threatened to send more child porn (CP) to Brian, his friends and to send CP to his family and attorneys. One of his friends sent emails to Brian's family that she had received. We (Brian's family) were emailing the threats to Brian's probation officer and his new attorney, Attorney Jones. Brian was faxing the threats to the FBI and submitted a copy of these to the court. Friends were sending the threats to the FBI. The threats were true and some way they got to Brian's probation officer who came to our house and told Brian in front of us in his grandparent's apartment that Brian could no longer use his cell phone not even to call or text his attorney who at the time told him she would help with the 2255 but never told his family that there is a time limit on that. Brian had an autism meltdown, tried to walk away so he could get his insulin shot as his blood glucose was up after eating, and if Brian can just walk a little, he will calm down. She angrily ordered him to sit in the chair in our living room as she stood at the front door, so Brian then started throwing things on the floor, and she left. That very day she went to her boss and wanted Brian arrested due to his autism meltdown, sent back to NC for 2 years in prison for a probation violation, then sent to a half way house, miles away from

his family. Keep in mind that Brian's disabilities are so severe that he is on a disabled Medicaid waiver in VA where he receives 40 hours of paid assistance each week to be able to stay at home and not in an institution. Brian has been on this Medicaid disabled waiver since he moved to Virginia in 2012. Brian does not and has never driven a car. His mom most of the time and sometimes his grandparents drive him. Brian has to have insulin to survive. Without this insulin, he will go in a coma and die. Many times with the insulin he has seizures from low blood glucose and can die if no one is there to give him juice, sweet drinks, sugar snacks or glucose tablets. Autism and OCD complicates his diabetes. He has to have someone close by most of the day and someone to check his blood glucose at night.

Brian's family wrote to the probation supervisor that he was being set up by this probation officer just as the threat text he was receiving on the cell phone that his grandma had loaned him said would happen. Brian was arrested a month later for a probation violation and because his probation officer said she felt threatened by his autism meltdown. Brian did not hurt anyone, had just thrown some small items on the floor, not aimed at anyone, and the three members of his family who were also in the living room at the time did not feel threatened. Brian was arrested at his apartment in Virginia a month later by federal Marshalls and sent to the Winston Salem, NC jail where he spent a month. The court appointed Brian a very good, caring attorney, and Brian's family sent proof of all of the lies to her. Two neighbors whom Brian had known for 8 years at this time also sent letters that Brian would not harm anyone and was not a threat. The judge took into consideration Brian's autism, but since she told the judge on the stand that she was scared even though Brian never once threatened her or threw anything at her, just small items on the carpeted floor in front of where he was sitting and even called her on the phone later that day and sent a fax to her apologizing for his behavior and for calling her names, the judge said Brian would have home detention for 6 months wearing an ankle monitor. Brian's family sent a fax telling the probation supervisor about all of the lies she had told in front of Brian's family and told opposite stories to the court. Brian was also appointed a new probation officer who is still his probation officer and who seems to understand all of Brian's disabilities. This is the way Brian spent the first year (2015) after he was released from jail in November, 2014.

Brian and his family spent 2016 trying to find an attorney who could help him prove his innocence to the court. Brian talked to one attorney who advised him to file a FOIA request to the department of justice to get a copy of the confession tape to be examined and a copy of the SBI discovery. The town of Mayodan sent a copy of the police report to him but refused to send a copy of the confession tape. The state of North Carolina SBI office in Greensboro, NC would not let him have a copy of the SBI Discovery papers which Brian and his family discovered together proved he was innocent or at least an attorney could have used this information in a court to prove reasonable doubt. An attorney offered to help in 2015, but she was having trouble getting the SBI to find Brian's computer which she had planned to hire a computer expert to examine it. Not being able to get the computer in a timely fashion, and the fees kept going up for the expert, and Brian's family was having trouble getting the money that was required. The Winston Salem Wake Forest University of Law innocence project also said they would try to help Brian in 2016, and Brian sent a lot of information to them, then months later after they sent a letter to him saying they would help, they later sent another letter telling him they would not help. Trying to get a copy of his discovery & confession tape has taken years.

In April, 2017 Brian's family found an attorney in NC who thought she could help him prove his innocence after we sent her a lot of information. She met with us in her office and was only going to charge \$2,000 to read over the discovery and give a report, then she said we would go from there. She called our house and talked to me (Brian's grandpa) and said that after she talked to Mr. Coalter, Brian's second court appointed attorney, she decided not to take the case. I then called Mr. Coalter to ask how Brian can get his discovery & was told by Mr. Coalter that only an attorney could get it or it could be destroyed. That was when Brian's family for the first time really got involved realizing that we are on our own and won't be able to find an attorney and will proceed as a family to get back Brian's freedom and his constitutional rights as an American citizen. Right away in April, 2017 Brian brought the FOIA request to court in Danville, VA to try to get the court to get the confession tape to be examined and a copy of the discovery. Brian had received photos that the police in Mayodan took during the police raid in August 28, 2012 and the Mayodan police report but not the tape or the NC SBI Discovery papers. Brian and his family looked over the photos together. There were no photos of children, just 2 photos of movie star posters which Brian had bought when they

moved in the Mayodan house in 2005 when Brian was 15 years old. They had a photo of Brian's insulin syringe, a photo of a stuffed animal he has had since he was two years old and photos of computers & computer supplies.

What has changed in 2017 is that Brian's family has gotten more involved as witnesses to prove to the court that Brian is innocent. This is a frame up by some very important people in NC. We can't prove who the people are, but we can prove that there was a frame up and that someone did hack into Brian's computer on July 20, 2012 and put a virus with child porn either that or there are reports out there that make it look like he was. We do know for a fact that Brian had a virus on his computer because he was fighting this the entire morning of the police raid on August 28, 2012. In April, 2013 he received 2 threat emails from someone telling him that they were the ones who hacked into his computer and he would regret ever being an investigative reporter. There were no pictures of CP (child porn) at all in the Mayodan, NC police report and none in the NC SBI report, only typed descriptions, no blurry photos, no photos at all. We found more proof of Brian's innocence in 2017 and have tried to put it all together and have filled out the puzzle that the court had the proof of Brian's innocence the entire time. We wrote about this in our witness letters that Brian submitted to this court on November 14, 2017. Since we can't afford to hire professionals, we ask the court to be more understanding because a family won't be able to do as good of a job as professionals.

All we want is for justice to be done, to undo the frame-up as Brian is innocent and has sent proof to the court of his innocence, proof that he was framed and many documents of proof from September, 2014 to November 2017. We ask the court to forgive our mistakes in filing and to show compassion and understanding of someone who has autism and other disabilities covered under the Americans with disability act. Apparently this is a law (ADA) which does not have to be honored in federal courts, but Brian's disabilities of brittle insulin dependent diabetes with seizures, autism which makes communication harder for him, OCD which takes hours out of his day with lengthy hand washing routines and anxiety. Caring for Brian's health & disability needs also puts extra burdens on Brian and on his family. We just ask that this court will be more lenient, compassionate and more understanding in dealing with an innocent person and his family and in understanding more about how his disabilities caused his false confession. You don't outgrow insulin dependent diabetes, autism or OCD. These stay with a

person for life, and these disabilities with being framed and police who interviewed Brian knew about his autism and brittle diabetes and ignored the ADA laws which they by law are supposed to obey. These were the reasons for Brian's false confession from the beginning.

The reason for Brian's plea agreement was ineffective attorneys who talked us into telling Brian to take the plea agreement or spend 20 years in prison. We have written all about this and Brian put our letters in his 2255. The reason why Brian kept the guilty plea after his second attorney was appointed was because the jails were not giving him enough insulin, no insulin on court days and his health was failing in jail as we saw from what he was telling us on the phone and with some of what we were reading in his pro se motions to the court. Time was running out for his SSI disability check. Brian's SSI money was not given to him the entire time he was in jail, and we found out he would have lost his SSI check if he spent a year in jail. Brian had pleaded guilty to possession because one attorney explained to his family that if they found CP in his computer, he was guilty of possession whether he put it in there or not. Brian needed to get out of jail to save his life and get back on all the insulin his body needed to survive. He was losing a lot of weight. After his health improved, he needed to get the proof that he was not guilty of knowingly putting it there and was innocent. Even with all of his severe disabilities and had never been arrested for any other crime, he was not allowed bail, had ineffective attorneys that Brian's family and Brian got more proof in 2017 of how ineffective they both really were, and Brian was suffering cruel and unusual punishment by the jails not providing the insulin his body required and no insulin on court days. His autism disability makes it hard for him to understand and hear correctly verbal or spoken words (his family has been his witness his entire life about that). He is smart and has a lot of pride and has learned to just make it appear like he does hear everything. If you have ever listened to a static radio station that comes & goes, you will understand how Brian hears words. Brian's high blood glucose, not given any insulin on court days makes it hard for him to read anything due to blurry vision. The fact that he was not given all the insulin his body needed for 11 months while in jail would also cause blurry vision most of the time that he was in jail. Given ineffective court appointed attorneys means he had no constitutional representation the entire 11 months that he was in jail. He had put his proof of innocence in his 2255 document to the court along with the letters from us, his family which anyone who would take time to read all of this would prove beyond a shadow of doubt that he is innocent and needs to be acquitted and given back

his freedoms. He needs to be removed from the sex registry as that is supposed to be used as a guideline to protect children and people from those who really are, not from someone who is innocent, framed and never once harmed any child. He goes to counseling on a regular basis, and if the court would want, his counselor could testify that all he talks about is that he was framed, is innocent and wants to prove to the court that he is innocent and get off of the sex registry. (His family can testify too that this is all we hear several times a day every day for 5 years nonstop). His counselor could also explain more to the court about autism. Being removed from the probation would also free those funds and the load to help the real criminals, not an innocent, disabled man who was framed, then given ineffective attorneys who did nothing to represent him or prove his innocence. All of Brian's constitutional rights were denied to him, but now the court has a chance to make this right and to free this innocent man, and the court now has all of the proof of his innocence and the puzzle has now been put together and given to this court to right all wrongs.

Delayed Echolalia proof documents:

Functional Categories of Delayed Echolalia

"Delayed echolalia is the repetition of verbal messages that were previously heard and which are repeated after a time delay of a few minutes, hours, days, weeks, months, or years".

Source: Indiana Resource Center for Autism. "Children on the autism spectrum also present with echolalia early in language acquisition, though this diminishes with time. It takes the form of repetition of a sentence or final word of the speaker and may be immediate or delayed".

Source: National Center for Biotechnology Information, U.S. National Library of Medicine 8600 Rockville Pike, Bethesda MD, 20894 USA. "Echolalia (immediate or delayed); may include repetition of words, phrases, or more extensive songs or dialog". Source: DSM5 AUTISM SPECTRUM DISORDER: ASD Guidelines: Laura Carpenter, PhD February 2013.

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We show an example in here of Brian using delayed Echolalia using the Mayodan police report in 2 different places and 2 different dates: Aug. 22, 2012 & Aug. 29, 2012. **Autism Spectrum Disorder (ASD)** is a pervasive neurodevelopmental disorder characterized by impairments in social communication and restricted, repetitive patterns of behavior, interests or activities. Autism is a lifelong developmental disorder. Autism spectrum disorder (ASD) refers to a group of complex neurodevelopment disorders characterized by repetitive and characteristic patterns of behavior and difficulties with social communication and interaction. The symptoms are present from early childhood and affect daily functioning. The difficulty in identifying a behavioral or cognitive etiology of autism stems from the neurodevelopmental aspect of the disorder. Dennis Debbaudt's Autism & Law enforcement content and curriculum development has set the standard for autism training for policing, public safety and criminal justice professionals in the U.S., Canada and globally. **Dennis Debbaudt: 2338 SE Holland St., Port St. Lucie, Florida 34953. Phone # 772-398-9756.** See Reference Book: **Autism, Advocates, and Law Enforcement Professionals Recognizing and Reducing Risk Situations for People with Autism Spectrum Disorders** by **Dennis Debbaudt** (Author) Debbaudt writes "Autism-specific training can help criminal justice professionals save time and resources and avoid taking misleading statements or false confessions".

There is another article written by a parent of an autistic adult called "False Confessions of People with Autism" by Roberta Ruth Hill January 27, 2017 Autism Parenting Magazine Issue 55. This is an article where Brian David Hill's mom is alerting other parents about what happened to her son and telling them to get an attorney right away.

Brian has sent hundreds of documents to this court on November 2017 and before proving his constitutional rights were violated from Dec. 2013 – Nov, 2014. He has sent proof documents proving ineffective attorneys, and medical proof of the poor treatment of his diabetes while in the jail system from Dec. 2013 – Nov. 2014 and again from May, 2015 – June 2015. He has provided proof of the threat emails he had received in April, 2013 and threat texts to him & threat emails to his friends to stop his appeal in Feb 2015. He has provided letters written by himself and his family as further proof of innocence. There is no way that anyone who reads this information and proof can say that he is guilty of the crime that he has been punished for from Dec. 2013 – Present. How can the court in view of the facts of his innocence now tell him that even now that they know he is innocent and has proven that fact, but he still has to remain guilty because he only had a certain amount of time to prove it, and that time has run out?

Brian from the very beginning during the police raid at his house said that he was innocent; that he had a virus on his computer that he noticed in July to August, 2012. He told the Mayodan police the same thing during the interrogation the next day. Never once did his attorneys bring up anything about how anyone can hack into your computer and put child porn there, and the person who owns the computer is not aware of this, so Brian's family in 2017 found more articles about this to give to the court – new evidence in Brian's case that neither attorney brought to the court's attention.

Brian's family were witnesses that Brian David Hill is a disabled American citizen who as a hobby ran an alternative news web site for 3 years "USWGO" before and was an investigative news reporter at the time of this "false" confession and became interested in writing about political subjects. Brian's family went with Brian to the Mayodan, NC town hall meetings In March, April and May, 2012 when Brian was speaking at the town hall meetings about Agenda 21 and the NDAA. He got a petition signed by Rockingham County, NC citizens "Nullify the NDAA", and Brian's family were present when he gave this petition to the town attorney on

May 14, 2012 whom we later learned is the dad to the Rockingham County District Attorney. The reason he gave this petition to the Mayodan town attorney is that Brian found out this attorney was the NC pro tem senator, third in line to be governor of NC. Brian realized that this Mayodan, NC attorney was really not interested in this petition later, so Brian started writing some bad articles about him. He wrote that he was going to ask this NC pro tem senator some questions about this petition at the **July 9, 2012 Mayodan town hall meeting** and would record this to put on his USWGO YouTube page. Brian's family had some bad feelings about this and tried to encourage him to not attend this meeting, but he said that he needed to go and get the answer for those who had signed the petition.

It turned out that Brian's family was right because Brian spoke at this public town hall meeting again, then as soon as the meeting was over he went up to the NC pro tem senator, the town of Mayodan's attorney with microphone in hand and asked him about the petition. Phil Berger Sr told Brian David Hill that he was not going to answer that, and right away the Mayodan, NC chief of police, Caruso was there forcing Brian to leave the meeting. Later we learned through another video that Caruso was there the entire hour watching Brian. We had seen police Chief Caruso at other meetings but only briefly. Brian wrote another article about Mr. Berger and the Mayodan police chief which appeared on his USWGO website and other websites, and he put the video of the police chief forcibly removing him from the public town hall meeting for asking the NC senator a question. Three days later on **July 12, 2012** Brian put another article on another website about the Mayodan, NC police harassing his mom and looking for a reason to arrest Brian or his mom. Then according to the prosecutor's witnesses accounts: the town of Mayodan police report from 2012 and the NC SBI Discovery from 2013, child porn started being downloaded on Brian's computer on **July 20, 2012**.

Brian's family have read this police report many times and are aware that Brian has had brittle type 1 insulin dependent diabetes which was diagnosed when he was 18 months old in Feb. 1992. He has had seizures since he was 18 months – 2 years of age and was diagnosed as having autism (a type of developmental and communication disorder) when he was 2 years old and confirmed when he was 4 years old and had OCD and anxiety problems. Three of Brian's disabilities are recognized under the Americans with disabilities act, and police when questioning someone are supposed to help with communication aids (ADA law). Brian's mom

told the police that Brian had brittle diabetes and autism the day before during the police raid the first time the police called Brian in the house by himself. Brian's grandparents are witnesses to this because we were visiting Brian and his mom on August 28, 2012 and were witnesses of the police raid and had affidavits signed and notarized and presented to the court as proof. When we read the Mayodan police report, we see that these 2 police detectives were questioning Brian at lunch time. We don't see anywhere that they have provided communication aids for his autism nor do we see anywhere that they ask Brian or his mom to check his glucose nor do we see where the police offered him something to eat or a sugar drink since this interrogation is being done at lunch time, and they both were aware that he was an insulin dependent diabetic as his mom told the police the day before in front of Brian and his grandparents, and these same police took a photo of Brian's insulin syringe the day before. They called Brian down to his bedroom to ask Brian about the syringe. Brian told the police that it is his insulin syringe because he is a type 1 brittle diabetic, and his diabetic supplies, monitor and insulin were in the house in different rooms for the police to see during the hours long police raid, and the police report says that Brian is disabled, 22 years old. According to the police report on Aug 29, 2012 they ask Brian: "What is your usage and knowledge"? Brian's answer: **"I download movies, programs and music"**. Police ask: "What type of download software do you use"? Brian answers "I use bit torrent programs like eMule. I only download. I don't share". Question: "Does your mom ever get on your computer"? Answer: "No". Question: "Did you use any other computer to **download files**"? Answer: "Yes, but I use my black Toshiba the most:. Then the police ask Brian what his email password is, and he tells them his password. Next question changes from FILES to Child pornography: Question: **"How long have you been downloading** and viewing child pornography"? Answer: "About a year or so". How does this answer compare with the findings of the Mayodan police report on Aug. 22, 2012 and the Greensboro, NC SBI report from 2013? Mayodan police report: July 20, 2012 to July 26, 2012: 7 days. Greensboro, NC Discovery report: July 20, 2012 to July, 28, 2013. This does show a year, but 11 months of that year, this computer was in the care of the Mayodan police department who removed it from Brian's house on August 28, 2012 and in the care of the SBI in Greensboro, NC. NEXT QUESTION: **"Is there any** other child pornography on **any other computers**"? Brian's answer: "Yes, I have a Netbook at home that you didn't get". On the police inventory list of

items, it shows that the police went to Brian's house and got the netbook on Aug. 29, 2012. Brian's mom asked Brian's 2nd court appointed attorney, Coalter if there was child porn on Brian's Netbook computer. Coalter checked the NC SBI Discovery report in front of Brian's mom and 2 grandparents in Oct. 2014, and told us that there was NO child porn in the Netbook computer. They asked Brian if they could view his emails, and Brian said, "Yes".

Does the Mayodan police report on Brian's criminal case from Aug 29, 2012 conflict with the 2013 NC SBI Discovery report? YES. Both do agree on the beginning date that they say that child porn or items of interest were being downloaded on Brian's laptop computer. They both state the beginning date of July 20, 2012, but the Mayodan, NC police report shows that on August 22, 2012 child porn was being downloaded from July 20, 2012 to July 26, 2012 (7 days). NC Discovery report: July 20, 2012 to July, 28, 2013. This does show a year, but 11 months of that year Brian did not have this computer. It was removed from his house on Aug. 28, 2012. The NC SBI discovery report states that there were NO child porn files on Brian's netbook. The police then ask according to their typed police report: **"How many child images do you think you currently possess"**? Brian's answer "100+". Neither the Mayodan police report nor does the NC SBI show any photos, only typed descriptions, and Brian, his mom and grandparents can testify to that as fact under oath. There are typed descriptions not photos, and the prosecution has to prove there are actual photos of actual children to prove that Brian knowingly downloaded child porn. Police asks Brian "What type of files do you search for in your file sharing programs"? Brian's answer: **"PTHC and PTSC"**, Question: **"What does that stand for"**? Answer: **"Preteen Hardcore and Preteen Softcore"**.

This is where it gets interesting going back to the August 22, 2012 Mayodan police report one can see that if that was really Brian's answer, it matches perfectly with what the police said in their report which they gave to Brian's mom at the time of the police raid the day before, and Brian was reading this during the police raid. Brian is smart and has always been able to repeat what he reads and hears days and months later. His autism is a developmental and communication disability. Many people with autism demonstrate immediate and delayed echolalia. This is proof that Brian was probably using delayed echolalia as he had read aloud what the police report said the day before. Brian repeats word for word on Aug 29, 2012 the description & meaning on Page 3 of the Mayodan Police Dept. Incident/Investigation Report

dated 8/22/2012. Brian's family has never heard Brian using these words before or since that day in August, 2012. Copy of this paragraph below: "While in Detective Bridge's office, he showed me the webpages and downloaded files that were retrieved by the ICAC software. The videos downloaded by the Hill's IP address (24.148.156.211) were child pornography, commonly referred to as Pre-teen Soft Core (PTSC and Pre-teen Hard Core (PTHC). Brian's answer: "PTHC and PTSC", Question: "What does that stand for?" Answer: "Preteen Hardcore and Preteen Softcore". By the way, this same Detective Bridge who got Brian's false guilty plea is the brother of the Rockingham County asst district attorney who was working with the Mayodan's attorney's son, Phil Berger Jr. at this time, and they had worked together for years. The other detective "Brim" is working under Mayodan police chief Caruso who was at the police raid trying to get Brian to confess to downloading child porn or his mom will be charged in front of us, Brian's family. Caruso works with Mayodan attorney, Phil Berger Sr (who is also the NC state pro tem senator); is the dad of Phil Berger Jr who from 2012-2014 was the Rockingham County District Attorney, and Berger Sr was the one who gave the oath of office to Caruso in 2010, and when one reads over all pages of the Mayodan, NC police report in Brian's case "Brim" is the detective, and "Brim" is his own boss. Brian (USWGO) had been writing some articles from May – July, 2012 about Mayodan, Phil Berger Sr (some good & some bad) and some bad about Mayodan police, Chief Caruso removing him from the town hall meeting for asking Pro Tem Senator Phil Berger a question on his USWGO website, USWGO YouTube page and other websites. When Brian and his family saw and read the NC SBI Discovery in Brian's 2nd court appointed attorney's office in Greensboro, NC together in January, 2015, we saw the name "Phil Berger Jr" all over Brian's criminal discovery papers as he was the district attorney in Rockingham County, NC, and the discovery says that Brian's victim is "North Carolina" not children. Brian's family have told this court many times that he does not like being around children and any statements he made about children is not the Brian we know, does not sound like anything we have heard Brian say or his actions. After Brian was arrested Phil Berger Jr was running for the political office of US Congress 2014, and his assistant Melanie BRIDGE, (sister of Reidsville detective (Robert Bridge) who hacked into Brian's computer & said he was familiar with the CP) Melanie Bridge had worked with Phil Berger Jr for years was running for the office of Rockingham County, NC District Attorney in 2014. Both lost, and now Phil Berger Jr is an NC judge.

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 2012-00287

Mayodan Police Department

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North 2nd Avenue.

While in Detective Bridge's office, he showed me the webpages and downloaded files that were retrieved by the ICAC software. The videos downloaded by the Hill's IP address (24.148.156.211) were child pornography, commonly referred to as Pre-Teen Soft Core (PTSC) and Pre-Teen Hard Core (PTHC). I personally viewed a five second segment of each video and confirmed that it was child pornography.

Detective Bridges said that the person or persons using IP address 24.148.156.211 were utilizing Peer to Peer (P2P) file sharing programs to download pornographic videos and pictures of children. These programs require that the person operating the computer search for specific content to download. Therefore, it was determined that whomever downloaded the images and videos using IP address 24.148.156.211 did so deliberately and not accidentally. Using this information, Detective Bridge and I wrote a search warrant for Roberta Ruth Hill, Brian David Hill and the premises and property located at 413 North 2nd Avenue in Mayodan, North Carolina.

The last question they ask Brian involves his grandparents who live in Virginia: **"Did you take your laptop with child pornography to your grandparent's house in Virginia?"** Brian's answer: "Yes".

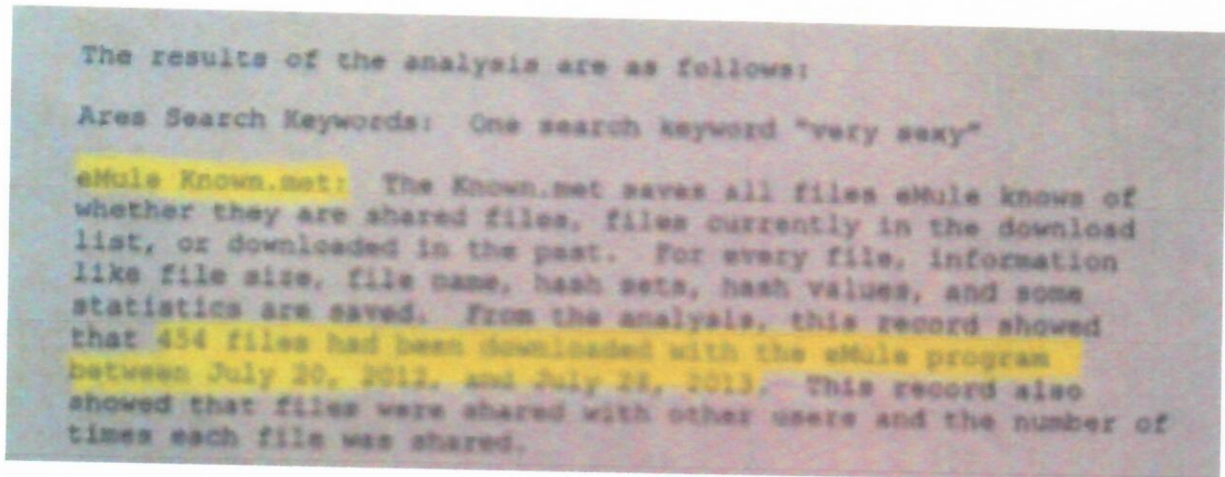
SIGNED by BRIAN HILL on 8/29/2012 at 12:21PM

In answer to what the prosecution said about Brian's plea agreement. Please refer to our (Brian's family) joint 47 witness pages on Brian's 2255 of how we know for a fact that Brian is innocent and explain in more detail about the plea agreement in June, 2014 and how Brian's health was failing him in September, 2014 – November, 2014 from the jails not giving him the insulin that was needed for his brittle diabetes.

Witness letters at the address below:

Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Pages 34 – 72; 73 – 75; 76 – 87

SBI Discovery with dates that this report says cp (files) was being downloaded to Brian's computer for 11 months after the Mayodan police department took it on next page.



NOTE: Brian's family discovered on the Middle District of NC website a **Proposed Rule Change Summary 12/5/17 Comments Due by January 10, 2018**. This was written up 21 days after Brian's 2255 was submitted to the court (Nov. 14, 2017) and 8 months after Brian brought a FOIA law suit against the US Justice department in the Danville, VA court (April, 2017) to try to get his discovery. We sent an email on 1-10-2018 that we are opposed to this. It takes away the rights and freedoms for a defendant to have his family and friends to see it with him, and this is a local rule in opposition of the constitution of our country. See page 18-19.

NEXT PAGE: Another copy from the NC SBI Discovery like the photo above and after that a copy from the Mayodan police report where police (Bridge & Brim) are saying they are familiar with the Child porn they claim is on Brian's computer which conflicts with the government report on September, 2014: **Paragraph #13, (See Document #33, Filed 9/16/2014, Page 6 of 26)** stated that "*According to the government, none of the children have been identified as part of a known series by the National Center for Missing and Exploited Children (NCMEC).*"

In 2017, Brian's family checked "raw format" on Yahoo email to see what Brian's IP address was knowing that due to his petition, he sent emails to Mayodan, Eden, Madison, Reidsville, etc. as well as his family from March – August, 2012. (See page 19 in this witness letter). So that is how the police could have gotten Brian's IP address.

SBI CASE NUMBER: 2012-02146 (915)

SYNOPSIS:

Limewire/Frostwire, Luckywire, Shareaza Search Keywords, and Usenet Binary Files.

The results of the analysis are as follows:

Ares Search Keywords: One search keyword "very sexy"

eMule Known.met: The Known.met saves all files eMule knows of whether they are shared files, files currently in the download list, or downloaded in the past. For every file, information like file size, file name, hash sets, hash values, and some statistics are saved. From the analysis, this record showed that 454 files had been downloaded with the eMule program between July 30, 2012, and July 18, 2013. This record also showed that files were shared with other users and the number of times each file was shared.

SPECIFIC FACTS ABOUT THE IP ADDRESS AND PLACE TO BE SEARCHED

65. The IP address 24.148.156.211 was first logged in the CPS undercover system by the automated tools previously described on 07/20/2012 offering to participate in the distribution of child Pornography known to me. Between 07/20/2012 and 07/26/2012, the IP address 24.148.156.211 was logged, showing a continual pattern of child pornography, by the automated tools. That IP address was logged as offering to participate in the distribution of 3 files of known or suspected child pornography during that period of time. Of those 3 files logged your affiant has seen in prior investigation and can attest that he knows personally that 2 of them are indeed child pornography as defined by the North Carolina General Statutes. The other 1 are known by other officers participating in the undercover operation to be child pornography. The 2 that are known by your affiant can be described as follows:

Ed2k hash value: 60492779477159DD2DA1D88EE57D6995. File name: "Ptsc Mom & Daughter In Bath.mpg." Detective Bridge has personally seen and knows the file with this digital signature to be a movie file that shows an adult female in a shower with a prepubescent female. Later in the video, the prepubescent female is show masturbating and using a vibrator. The adult female and prepubescent female engage in oral sex, along with other sex acts.

FD2k hash value: A09A2871D9140290B87128F7FD593234. File Name: "(Pthc) Russia 10Yo-11Yo Little Brother And Sister-2 - Boy&Girls Fucking_ Just Posing Or Naked 1.avi". Detective Bridge has personally seen and knows the file with this digital signature to be a video that shows two preteen boys on a bed who get nude and have sex in various positions with a young teen girl. Other clips show nude children playing in the sand and in various sexual positions on a bed.

The above is in the Mayodan, NC police report from 8-22-2012 where the police state that they are familiar with the child porn that they claim is on Brian's computer. Below states that the government said the opposite in Brian's court case, that the CP is not part of the NCMEC and was filed with the court by the government on 9-6-2014.

U.S. Attorney and the Federal Court in the Presentence Investigation Report ("PSR") had a sentence in **Paragraph #13, (See Document #33, Filed 9/16/2014, Page 6 of 26)** stated that "*According to the government, none of the children have been identified as part of a known series by the National Center for Missing and Exploited Children (NCMEC).*"

U.S. Attorney and the Federal Court. Even the Presentence Investigation Report ("PSR") had a sentence in paragraph #13, (See Document #33, Filed 09/16/2014, Page 6 of 26) stated that "*According to the government, none of the children have been identified as part of a known series by the National center*"

Innocence Projects report from 2017: Astonishingly, more than 1 out of 4 people wrongfully convicted but later exonerated by DNA evidence made a false confession or incriminating statement. Why do innocent people confess? The reasons that people falsely confess are complex and varied, but what they tend to have in common is a belief that complying with the police by saying that they committed the crime in question will be more beneficial than continuing to maintain their innocence. It has taken Brian and his family 5 years to put this puzzle together with proof of Brian's innocence. Brian has spent hours, days, months and years of his life sending proof of his innocence to the court. Please refer to his 2255 Case: **1:13-cr-00435-TDS dated November 14, 2017,**

Witness letters at the address below:

Case 1:13-cr-00435-TDS Document **134** Filed 11/14/17 Pages **34 – 72; 73 – 75; 76 - 87**

Case 1:13-cr-00435-TDS Document **134** Filed 11/14/17 Page **93**

Case 1:13-cr-00435-TDS Document **133** Filed 11/14/17 Pages **85 – 92**

Case 1:13-cr-00435-TDS Document 132 Filed 11/14/17 Pages 78 – 79, 95 - 96

Case 1:13-cr-00435-TDS Document 131 Filed 11/14/17 Pages 25 - 26; 70 – 71, 79 – 85

Case 1:13-cr-00435-TDS Document 128 Filed 11/14/17 Pages 3 – 39

Proof that Brian was not being given insulin on court days from hospital document: Case 1:13-cr-00435-TDS Document 131 Filed 11/14/17 Pages 19 – 21

Brian's family found proof in 2017 that Attorney Placke had been deleting important documents his family had emailed in Brian's case, then Placke talked Brian's family into telling Brian to take the guilty plea because his attorney had nothing to show the court in June, 2014.

Case 1:13-cr-00435-TDS Document 131 Filed 11/14/17 Pages 27 – 30; pages 34 – 35; pages 78 – 85

Referring back to page 16 in this letter: In 2017, Brian's family checked "raw format" on Yahoo email to see what Brian's IP address was knowing that due to his petition, he sent emails to Mayodan, Eden, Madison, Reidsville, etc. town halls as well as his family from March – August, 2012. In all emails, the very same IP address that is on the Mayodan police report showed up, so that is how the police could have gotten Brian's IP address. This IP address was their basis to obtain a search warrant and to hack into Brian's laptop computer a week before they obtained a search warrant from a judge. We submitted this information in Nov. 2017. Going back to page 15 in this letter, see below about new rules in 2018 from the Middle District of NC court about **DISCOVERY**:

Proposed Rule Change Summary
12/5/17

Comments Due by January 10, 2018

Rule	Description	Change
Local Civil Rules 83.9a to 83.9g	Mediation Local Rules	Several changes to the rules governing mediation have been proposed, including (1) updates to reflect current practices, (2) revised allocation of costs when there are more than two parties to a case, (3) procedures to petition the Court when fees are not paid, (4) the addition of judicial experience for mediator certification, and (5) duties of governmental entities and insurance carriers at mediated settlement conferences. Many of the changes were developed the Court's Mediation Committee, which includes M. Ann Anderson, Kenneth Carlson, Jonathan Harkavy, Thomas Duncan and Robert Beason.
Local Criminal Rule 16.2	Limitations Concerning Criminal Discovery	This new rule governs the dissemination of criminal discovery materials.

Public Notice of Proposed Local Rules Changes

All comments should be received no later than January 10, 2018.

- [Summary of Proposed Changes](#)
- [Marked Mediation Civil Rules](#)
- [Criminal Rule 16.2, Limitation Concerning Criminal Discovery](#)

LCrR 16.2 LIMITATIONS CONCERNING CRIMINAL DISCOVERY The practice in this District between the United States and defense counsel is "open file." In that the Court, pursuant to Federal Rule of Criminal Procedure 16(d)(1), may for good cause restrict discovery, the following limitations on "open file" discovery are hereby established: 1. Any discovery materials (defined as all information contained within discovery, regardless of whether such materials are defined as discovery under Rule 16) that are provided by the United States to the defendant shall not be further disseminated by the defendant or his or her counsel to any individuals, organizations, or other entities, except to the following degree: a. To members of the defense team (the defendant, counsel, paralegals, investigators, litigation support personnel, and legal support staff); b. To any experts or consultants retained to assist in the preparation of the defense; and c. To the Court.

This PDF file has 2 pages, 6 numbered paragraphs, and we have saved many PDF copies proving should they sneak in this new rule that before January 10, 2018 it did not exist.

http://www.ncmd.uscourts.gov/sites/ncmd/files/ProposedCrimRule16_2.pdf

Saved all PDF's and information which proves that this discovery rule did not exist before 1-10-2018. This is continued from page 15.

Again to this court, we Brian David Hill's family respectfully repeat:

Brian has been fighting to get his discovery since his release to use as proof for his 2255. He had not been given the opportunity to read his discovery until 2 months after he was released from jail. He and his family read the discovery together and realized the proof of his innocence was in the discovery. Trying to get a copy of his discovery & confession tape has taken years. What has changed in 2017 is that Brian's family has gotten more involved as witnesses to prove to the court that Brian is innocent and have found more information for proof. Brian has

submitted all proof in November, 2017 as he was continuing to fight to get his discovery in Danville, VA. All we want is for justice to be done, to undo the frame-up as Brian is innocent and has sent proof to the court of his innocence, proof that he was framed and many documents of proof from September, 2014 to November 2017. We ask the court to forgive our mistakes in filing and to show compassion and understanding of someone who has autism and other disabilities covered under the Americans with disability acts. Caring for Brian's health & disability needs also puts extra burdens on Brian and on his family. We just ask that this court will be more lenient, compassionate and more understanding in dealing with an innocent person and his family and in understanding more about how his disabilities caused his false confession. You don't outgrow insulin dependent diabetes, autism or OCD. These stay with a person for life, and Brian will require special care and perhaps moving into a group home as he gets older. His diabetes will probably lead to blindness, kidney failure, losing limbs and other complications. He has suffered from brittle diabetes for 26 years now and has been fighting alone to prove his innocence for 5 years. There is no way that anyone who reads this information and proof can say that he is guilty of the crime that he has been punished for from Dec. 2013 – Present. How can the court in view of the facts of his innocence now tell him that even now that they know he is innocent and has proven that fact, but he still has to remain guilty because he only had a certain amount of time to prove it, and that time has run out? "If you have reasonable doubt, you must acquit".

Brian needs to be removed from the sex registry as that is supposed to be used as a guideline to protect children and people from those who really are guilty, not from someone who is innocent, framed and never once harmed any child. Being removed from the probation would also free those funds and the load to help the real criminals, not an innocent, disabled man who was framed, then given ineffective attorneys who did nothing to represent him or prove his innocence. Brian's constitutional rights were denied to him, but now the court has a chance to make this right and to free this innocent man, and the court now has all of the proof of his innocence and the puzzle has now been put together and given to this court to right all wrongs.

Thank you so much for reading all of Brian's proof and for reading his and his family's letters to the court. **We, Brian's family, declare under penalty of perjury that the foregoing is true and correct to the best of our knowledge:**

Sincerely,

Roberta Hill (Brian David Hill's Mom)

Stella Burnette Forinash (Brian David Hill's Grandma)

Kenneth R. Forinash (Brian David Hill's Grandpa)

Signed & Dated with the Notary Seal:

Roberta Ruth Hill 1-16-2018

Roberta Ruth Hill; 310 Forest St. Apt. 1, Martinsville, VA 24112

Phone: 276-790-3505

Stella Burnette Forinash 1-16-2018

Stella Burnette Forinash: 916 Chalmers St. Apt. A Martinsville, VA 24112

Phone: 276-632-2599

Kenneth R. Forinash 1-16-2018

Kenneth R. Forinash, TSgt, USAF, Ret: 916 Chalmers St, Apt A Martinsville, VA 24112

Phone: 276-632-2599

Meg Elizabeth Hensley
Notary Public
Commonwealth of Virginia
Reg # 7687044
My Commission Expires 03/31/20

Meg Elizabeth Hensley